

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: January 13, 2009 [X] Consent [] Regular
[] Workshop [] Public Hearing

Department:

Submitted By: Engineering and Public Works
Submitted For: Land Development Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution vacating approximately 2.80 feet of a 10 foot wide utility easement within Lot 461, Homes of Lee's Crossing, Plat 7, as recorded in Book 50, Pages 132-133, Public Records of Palm Beach County, Florida.

SUMMARY: This petition site is located north of Lantana Road, east of Jog Road, on the west side of Westfall Road. The petitioner is requesting the vacation to increase the buildable lot area, to allow the expansion and enclosure of a patio.

District 3 (PK)

Background and Justification: The owners are Angel D. La Gaurda Valdes, Carmen Rosa Valdes, Lilla A. Yera, Evangelina C. Valdes, and Heidy Valdes. The owners propose to enlarge and enclose the patio located in the rear of Lot 461. The vacation will clear up the conflict between the proposed construction and the easement.

Utilities service providers have no objection to the vacation.

Utility Easements are exempt from the privilege fee requirement in accordance with the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended.

Attachments:

- 1. Location Sketch
- 2. Resolution with Legal Description and Sketch

Recommended by: KS Rogers by LRP 10/Dec 08
Division Director Date

Approved by: By T. Wabel 12/16/08
County Engineer Date



**VACATING APPROXIMATELY 2.80' OF A 10' WIDE UTILITY
 EASEMENT WITHIN LOT 461
 HOMES OF LEE'S CROSSING, PLAT 7
 PLAT BOOK 50, PAGES 132-133**

LOCATION SKETCH



T44
 T44
 T45

RESOLUTION NO. R-2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, VACATING APPROXIMATELY 2.80 FEET OF A 10 FOOT WIDE UTILITY EASEMENT WITHIN LOT 461, HOMES OF LEE'S CROSSING, PLAT 7, AS RECORDED IN PLAT BOOK 50, PAGES 132-133, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, has considered the vacation pursuant to authority in Sections 177.101 and 336.09 of the Florida Statutes and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, for the vacation of that certain portion of the 10 foot wide utility easement within Lot 461, Homes of Lee's Crossing, Plat 7, recorded in Plat Book 50, Pages 132-133; and

WHEREAS, said petition to vacate said easement was submitted by Angel D. La Gaurda Valdes, Carmen Rosa Valdes, Lilla A. Yera, Evangelina C. Valdes, and Heidi Valdes; and

WHEREAS, this petition substantially complies with the terms and conditions of the vacation as set forth in said Ordinance; and

WHEREAS, this Board, while convened in regular session on January 13, 2009, did hold a meeting on said Petition to abandon/vacate that certain portion of the utility easement, and this Board determined that said abandonment/vacation conforms to Palm Beach County's Land Development Code.

RESOLUTION NO. R-2009-_____

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. That portion of the utility easement is hereby vacated and closed as a public easement and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to that portion of the utility easement, more fully described in the legal description and sketch attached hereto and made a part hereof.
3. Notice of the adoption of this Resolution shall be published once in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10, Florida Statutes and Ordinance No. 86-18.

RESOLUTION NO. R-2009-_____

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

- Commissioner John F. Koons, Chairman
- Commissioner Burt Aaronson, Vice Chairman
- Commissioner Karen T. Marcus
- Commissioner Shelley Vana
- Commissioner Mary McCarty
- Commissioner Jess R. Santamaria
- Commissioner Addie L. Greene

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2009.

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

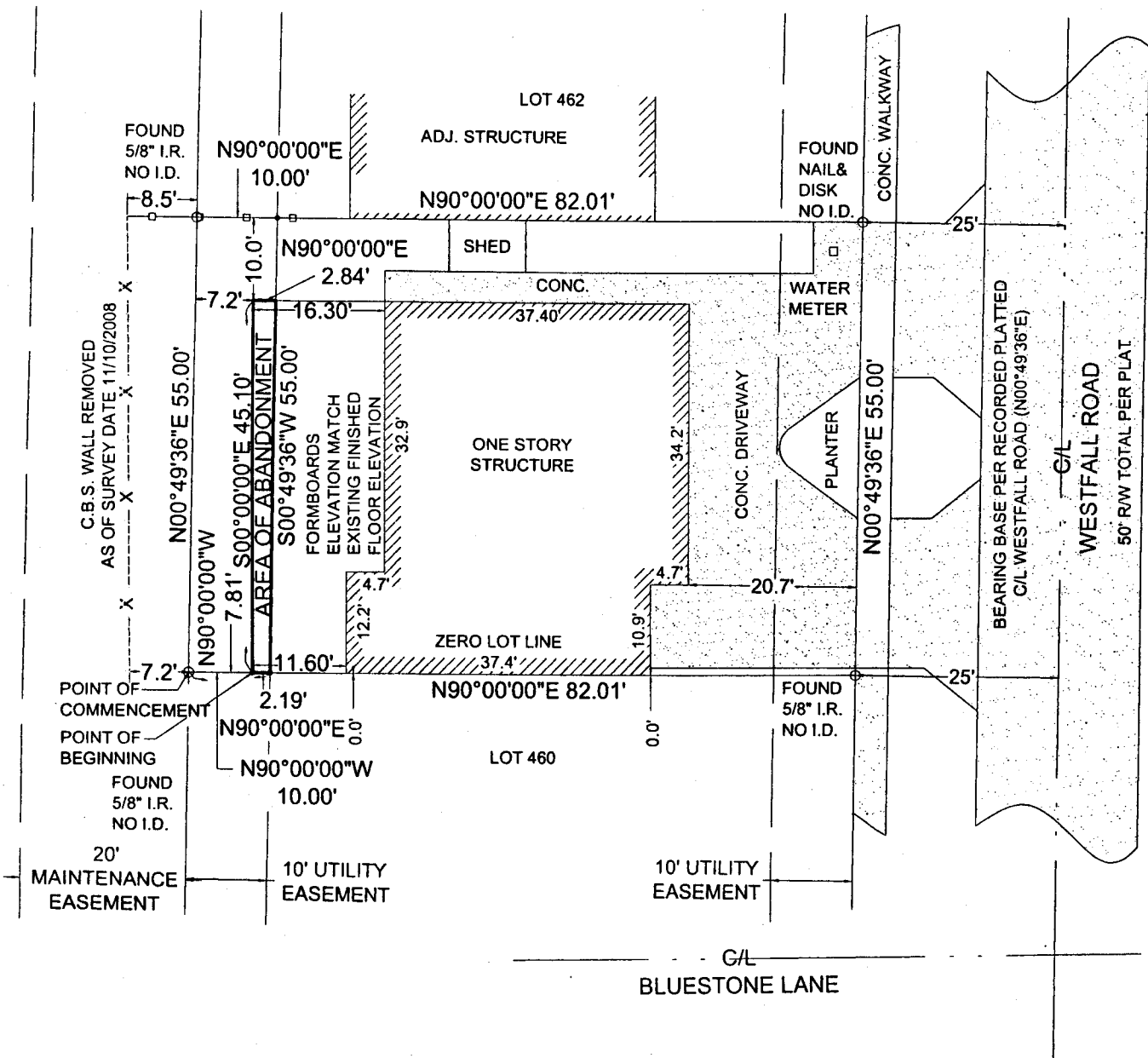
**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
County Attorney

Legal & Sketch

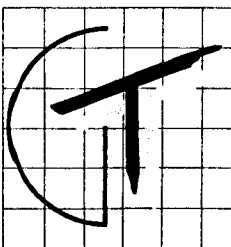
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SPECIAL PURPOSE SURVEY
FOR ABANDONMENT OF UTILITY
EASEMENT

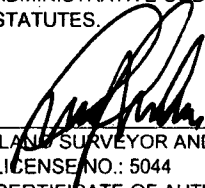


JOB NO. 26103
SCALE: 1"=20'

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED BY THE OFFICE SHOWN HEREON AND THAT I AM THE SURVEYOR OF RESPONSIBLE CHARGE FOR NONE OTHER THAN SAID OFFICE. ADDITIONALLY, THIS SURVEY MEETS AND/OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.



GT SURVEYING SERVICES, INC.
1860 OLD OKEECHOBEE ROAD
SUITE NO. 501
WEST PALM BEACH
FLORIDA 33409
OFFICE: 561-688-0553
FAX: 561-688-9579
E-MAIL: ginogts@aol.com

SIGNED: 
GINO FURLAN, SURVEYOR AND MAPPER
FLORIDA LICENSE NO.: 5044
FLORIDA CERTIFICATE OF AUTHORIZATION NO.: 6026
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR/MAPPER NAMED ABOVE.

Legal & Sketch

D:\Gino Drawings\000 MISC (2)\26103.dwg, 11/20/2008 2:02:58 PM

LEGAL DESCRIPTION:

A PORTION OF LOT 461, OF HOMES OF LEE'S CROSSING PLAT NO. 7, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 50, PAGE 132, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A":

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 461; THENCE NORTH 00°49'36" EAST, ALONG THE WEST LINE OF SAID LOT 461, 55.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 461; THENCE NORTH 90°00'00" EAST, ALONG THE NORTH LINE OF SAID LOT 461, 10.00 FEET; THENCE SOUTH 00°49'36" WEST, 55.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 461; THENCE SOUTH 90°00'00" WEST, ALONG THE SOUTH LINE OF SAID LOT 461, 10.00 FEET BACK TO THE POINT OF COMMENCEMENT. CONTAINING 550 SQUARE FEET

AREA TO BE ABANDONED:

PARCEL "B"

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 461; THENCE NORTH 90°00'00" EAST, ALONG THE SOUTH LINE OF LOT 461, A DISTANCE OF 7.81 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 45.10 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 2.84 FEET; THENCE SOUTH 00°49'36" WEST, A DISTANCE OF 45.10 FEET, THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 2.19 FEET TO THE POINT OF BEGINNING.

PROPERTY ADDRESS:

6074 WESTFALL ROAD, LAKE WORTH, FLORIDA 33463

CERTIFICATIONS:

1) ANGEL DELAGUARDA

GENERAL NOTES:

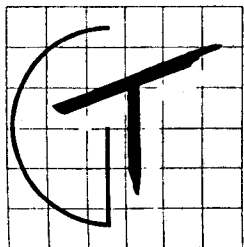
1. LEGAL DESCRIPTION FURNISHED BY CLIENT. NO SEARCH OF PUBLIC RECORDS WAS MADE BY THIS OFFICE.
2. ANY ELEVATIONS SHOWN HEREON ARE PER NGVD (NATIONAL GEODETIC VERTICAL DATUM) OF 1929.
3. NO EXCAVATIONS WERE PERFORMED AS TO DETERMINE UNDERGROUND ENCROACHMENTS.
4. DISTANCES AND ANGLES ARE FIELD MEASURED AND CORRESPOND WITH RECORD DATA UNLESS NOTED.
5. IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES, IN ALL CASES, DIMENSIONS SHOWN SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
6. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. (CHAPTER 61G17-6.003 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES)

AC = AIR CONDITIONER	FF = FINISHED FLOOR	PCC = POINT OF COMPOUND CURVATURE
ADJ = ADJACENT	FND = FOUND	PCP = PERMANENT CONTROL POINT
A/B = AS BUILT	INV = INVERT	PG = PAGE
ASPH = ASPHALT	IP = IRON PIPE	PI = POINT OF INTERSECTION
BOW = BACK OF WALK	IR = IRON ROD	POB = POINT OF BEGINNING
BM = BENCHMARK	L = ARC LENGTH	POC = POINT OF COMMENCEMENT
C = CALCULATED	LAE = LIMITED ACCESS EASEMENT	PT = POINT OF TANGENCY
CA = CENTRAL ANGLE	LF = LOWEST FLOOR	P/L = PROPERTY LINE
C/L = CENTERLINE	LME = LAKE MAINTENANCE EASEMENT	R = RADIUS OR RADIAL
CB = CATCH BASIN	M = MEASURED	RGE = RANGE
CE = CANAL EASEMENT	ME = MAINTENANCE EASEMENT	ROE = ROOF OVERHANG EASEMENT
CHATT = CHATTAHOOCHEE	NGVD = NATIONAL GEODETIC	RP = RADIUS POINT
CONC = CONCRETE	N/D = NAIL AND DISC	R/W = RIGHT OF WAY
CM = CONCRETE MONUMENT	(NR = NON RADIAL	SEC = SECTION
COL = COLUMN	NTS = NOT TO SCALE	SW = SIDEWALK
DE = DRAINAGE EASEMENT	NTT = NAIL AND TIN TAB	TOB = TOP OF BANK
D = DEED OR DESCRIPTION	ORB = OFFICIAL RECORD BOOK	TYP = TYPICAL
E/P = EDGE OF PAVEMENT	P = PLAT	
EL = ELEVATION	PB = PLAT BOOK	
EOW = EDGE OF WATER	PBCR = PALM BEACH COUNTY RECORDS	
ESMT = EASEMENT	PC = POINT OF CURVATURE	

SCALE: 1"=20'

JOB NUMBER: 26103/61993

DATE	DESCRIPTION
10-31-06	FIELD LOCATION OF IMPROVEMENTS
06-30-08	REMOVE PLANTER AT FRONT OF LOT (NOW A PLANTER)
11-20-08	REVISE LEGAL DESCRIPTION



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